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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,471	01/09/2002	Kia Silverbrook	AP15US	2556
24011	7590	04/11/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD			PARK, CHAN S	
393 DARLING STREET			ART UNIT	PAPER NUMBER
BALMAIN, NSW 2041			2625	
AUSTRALIA				

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/040,471	SILVERBROOK ET AL.
	Examiner	Art Unit
	CHAN S. PARK	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 January 2006.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

*Tran, Douglas*

*Chan S. Park*

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's amendment was received on 1/26/06, and has been entered and made of record. Currently, **claims 1-14** are pending.

### ***Response to Arguments***

2. Upon review of the reference of Narushima (U.S. Patent No. 6,710,892), which was cited in the Office Action dated 12/14/05 under 35 U.S.C. 102(e), as being anticipating **claims 1, 4-6 and 8**, the examiner notes that the reference can still be interpreted as anticipating the claims, as currently amended.

Particularly, as amended, **claim 1** now requires "means for applying an image enhancement effect to the stored image". As noted in the previous Office Action, Narushima discloses a digital photo album for setting of print quality for a particular image to be printed. Further, it is noted that the stored image is corrected according to the selected setting (col. 12, lines 1-13). Since the system of Narushima teaches the method changing the image quality from one setting to another, the image enhancement effect is inherently applied to the stored image when such a change takes place. For example, when the image quality is set at a higher/better quality setting, the image is understood be inherently enhanced. Thus, it is concluded that the correcting the image according to the selected print quality of the image directly constitutes the image enhancement. Also read col. 26, lines 6-19. Narushima teaches method for

editing, synthesizing, manipulating and correcting the stored image which can well be interpreted to be the image enhancement effect.

Moreover, the applicant states,

Example of enhancement effects, such as blurring, duplication, color modifications etc are provided in the description. In such examples, it is the actual pixels of the image that are modified so that the result is a true modification of the original image, not just a combination of the original image with other overlying or underlying images. (page 4 of the Remark/Arguments)

It is noted that the applicant's statement is not fully supported by the original Specification. Rather, the Specification states "the image enhancement memory card may modify an image in any one or more of **many known methods**, e.g. by adding standard backgrounds or text, by blurring, duplication, color modification etc." (page 8, lines 11-13) First, as noted above, the examiner believes the changing the print quality setting to a higher setting is one of the many known method of enhancing the image. Second, the Specification, the applicant's argument or the claims clearly do not limit the image enhancement to the blurring, duplication and color modification. Thus, it should be noted that the examiner applied the broadest reasonable interpretation in interpreting claims in light of the Specification. Lastly, according to the above statement ("not just a combination of the original image with other overlying or underlying images"), it appears to contradict what the original Specification states because the Specification acknowledges that the method of adding of backgrounds is one of the many image enhancement methods. Is the applicant stating that the method of adding standard backgrounds alone cannot be considered as the image enhancement?  
Clarification/explanation is respectfully requested.

The applicant further alleges that printer device 21 of Narushima cannot teach the digital photo album as defined in the claims since the printer device does not include the image display means for displaying the enhanced image. Again, the examiner disagrees. Referring to col. 22, lines 11-27, Narushima clearly teaches that the display device is included in the printer device 21.

Moreover, since Parulski, which was used as a secondary reference in 35 U.S.C. § 103(a) rejections, teaches the production of a composite image by adding a photographic image to a background image, the examiner construes the method as the claimed image enhancement method. Again, the examiner relies on the definition of the image enhancement method described in the applicant's Specification which clearly includes the method of adding standard backgrounds.

3. Therefore, the rejection of **claims 1, 4-6 and 8**, under 35 U.S.C. § 102(e) as being anticipated by Narushima is maintained.

4. Moreover, applicant's arguments with respect to **claims 1-14** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities:

Line 4, "in-built printer" should be -- built-in printer --; and

Line 4, "an enhanced image" should be -- the enhanced image --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Narushima U.S. Patent No. 6,710,892.

6. With respect to claim 1, Narushima discloses a digital photo album (printer system 21 in fig. 5) including digital image storage means (removable medium) for storing an image, means for applying an image enhancement effect to the stored image (correction circuit 4 in col. 12, lines 1-16), image display means for electronically displaying the enhanced image (col. 37, lines 47-57), built-in printer means for printing the enhanced image (printout process in figs. 16 & 17) and image control means permitting a user to selectively display and print enhanced images stored by said image storage means (figs. 15-17).

7. With respect to claim 4, Narushima discloses the digital photo album according to claim 1, including a body (21 in fig. 5) connected to said image display means (15), the body housing said printer means (3) and said digital image storage means (10).

8. With respect to claim 5, Narushima discloses the digital photo album according to claim 4, wherein said digital image storage means is removable from said body (10).

9. With respect to claim 6, Narushima discloses the digital photo album according to claim 4, wherein said printer means includes a supply of print media. The supply of print media is an inherent feature in the printer system since it needs a paper to print the edited image using the printer 3.

10. With respect to claim 8, Narushima discloses the digital photo album according to claim 4, wherein the body includes a control panel for operating said printer means (col. 15, lines 22-25).

Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissman U.S. Patent No. 6,552,743.

11. With respect to claim 1, Rissman discloses a digital photo album (fig. 1) including digital image storage means (memory card in col. 5, lines 13-19) for storing an image, means for applying an image enhancement effect to the stored image (col. 7, lines 34-52), image display means for electronically displaying the enhanced image (col. 7, lines 48-52), built-in printer means for printing the enhanced image (col. 7, lines 53-67) and image control means permitting a user to selectively display and print enhanced images stored by said image storage means (col. 7, lines 53-67).

12. With respect to claim 4, Rissman discloses the digital photo album according to claim 1, including a body connected to said image display means, the body housing said printer means and said digital image storage means (fig. 1).

13. With respect to claim 5, Rissman discloses the digital photo album according to claim 4, wherein said digital image storage means is removable from said body (col. 5, lines 13-19).

14. With respect to claim 6, Rissman discloses the digital photo album according to claim 4, wherein said printer means includes a supply of print media. The supply of print media is an inherent feature in the printer system since it needs a paper to print the edited image using the printer.

15. With respect to claim 8, Rissman discloses the digital photo album according to claim 4, wherein the body includes a control panel for operating said printer means (col. 7, lines 34-37).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima or Rissmanas applied to claim 1 above, and further in view of Parulski et al. U.S. Patent No. 6,573,927 (hereinafter Parulski).

16. With respect to claims 2 & 3, both Narushima and Rissman disclose the digital photo album according to claim 1, but do not disclose expressly that the image is

enhanced in accordance with a pre-programmed set of characteristics wherein said pre-programmed set of characteristic are stored on a removable medium.

Parulski, the same field of endeavor of printing digital images, teaches the method for modifying an image in accordance with a pre-programmed set of characteristics wherein the set is stored on a removable medium, a printer including means for retrieving said set of characteristics from said removable medium (col. 3, line 60 – col. 4, line 8; col. 5, lines 35-49 & col. 6, lines 19-26).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the method taught by Parulski into the printing system of Narushima or Rissman.

The suggestion/motivation for doing so would have been to minimize the amount of user interaction at the time of printing at the printer.

Therefore, it would have been obvious to combine Narushima or Rissman with Parulski to obtain the invention as specified in claims 2 and 3.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima or Rissman.

17. With respect to claim 7, Narushima or Rissman discloses the digital photo album of claim 6, but it does not disclose explicitly that the body includes a releasable cover portion through which a portion of said printer means including said print media and/or an ink cartridge can be removed. However, Examiner takes an Official Notice that having a releasable cover portion for removing or replacing the ink cartridge of the

printing system is well known in the art at the time of the invention. Conventionally, the cover is included to replace the empty cartridge with a new one. Since Examiner takes an Official Notice, it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain the invention as specified in claim 7 in view of Narushima or Rissman.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima or Rissman as applied to claim 1 above, and further in view of Kulakowski et al. U.S. Patent No. 6,229,621 (hereinafter Kulakowski).

18. With respect to claim 9, Narushima or Rissman discloses the digital photo album of claim 8, but it does not disclose that when the digital photo album is placed on a horizontal surface the control panel is inclined to the horizontal.

Kulakowski, the same field of endeavor of the printer art, discloses a printer having a control panel for operating the printer wherein when the printer is placed on a horizontal surface the control panel is inclined to the horizontal (fig. 10 & col. 10, lines 37-45).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the inclined control panel of Kulakowski into the printing system of Narushima or Rissman.

The suggestion/motivation for doing so would have been to provide the user to access the display/control panel from the front view.

Therefore, it would have been obvious to combine Narushima or Rissman with Kulakowski to obtain the invention as specified in claim 9.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima or Rissman as applied to claim 1 above, and further in view of Haneda U.S. Patent No. 6,016,184.

19. With respect to claim 10, Narushima or Rissman discloses the digital photo album of claim 1, but it does not disclose expressly that the size of a displayed image and the size of a printed image printed by said printer means are substantially equal.

Haneda, the same field of endeavor of the digital photo printing art, discloses a digital photo album (filing system of fig. 1) comprising a printer for printing a digital image, a display for displaying the image and a storage for storing the image wherein the size of a displayed image and the size of a printed image printed by the printer are substantially equal (col. 12, lines 12-20; lines 27-31; and lines 56-64).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the displaying means of Haneda into the digital photo album of Narushima or Rissman.

The suggestion/motivation for doing so would have been to provide an accurate size of the digital image to be printed before the printing process.

Therefore, it would have been obvious to combine Narushima or Rissman with Haneda to obtain the invention as specified in claim 10.

20. With respect to claim 11, Examiner notes that the size of a conventional photo output medium is 6" X 4". Read col. 8, lines 56-65 of Haneda.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima or Rissman as applied to claim 1 above, and further in view of Silverbrook WO Publication No. 00/23279.

21. With respect to claim 12, Narushima or Rissman discloses the digital photo album of claim 1, but it does not disclose expressly that the printer means includes monolithic pagewidth printhead.

Silverbrook, the same field of endeavor of the digital photo printing art, discloses a printer including monolithic pagewidth printhead (page 33).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the monolithic pagewidth printhead of Silverbrook into the digital photo album of Narushima or Rissman.

The suggestion/motivation for doing so would have been to provide a suitable printhead for the camera photoprinting.

Therefore, it would have been obvious to combine Narushima or Rissman with Silverbrook to obtain the invention as specified in claim 12.

22. With respect to claim 13, Silverbrook discloses that the printhead is an ink jet printhead (page 34).

23. With respect to claim 14, Silverbrook discloses that the printhead is substantially 4" wide (page 33).

***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

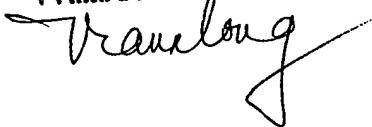
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp

DOUGLAS Q. TRAN  
PRIMARY EXAMINER



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